

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MUR# 6029

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

May 28, 2008

2008 JUN 23 P 3 46

RE: W. Todd Akin, Penny Henke, Thomas L. Knapp, Mike Leara, Rich Magee, John S. McCain, Richard C. Pearson, Barack Obama, Dee Wetzel, et al

Dear General Counsel,

Based on the facts and information below, I respectfully request an investigation into violations of Federal Election Campaign Laws.

Violation I:

Fact: In March, 2008, as a result of the St. Charles County, Missouri Republican caucus, I became a delegate to both the Missouri 2nd Congressional District and State Republican conventions.

Fact: A mailed letter (enclosed), dated April 14, 2008, stated "A formal credentials contest has been filed with the Missouri State Republican Party". By naming the following in writing, the author(s) of the letter represented the Missouri State Republican Party, the Republican Second Congressional Convention, the Republican Second Congressional Credentials Committee, and Rich Magee. The letter lacked Federal Election Campaign Laws disclosure information.

Information: The April 14, 2008 letter names the "Missouri State Republican Party" as a recipient of a contest, and the author(s) represent the "Missouri State Republican Party" in writing. This complainant assumes the author(s) intent was to represent the "Missouri Republican State Committee", but cannot claim as fact that this was the author(s) intent by misnaming the entity.

Fact: On April 19, 2008, St. Louis Post Dispatch newspaper reporter Jo Mannies wrote in a STLtoday.com blog there were, "154 contested delegates" to the Republican Party 2nd Congressional District convention.

Information: This suggests as many as 154 people received the same April 14, 2008 letter that I received. And owing to the fact that the April 14, 2008 communication was addressed, "Dear Delegate/Alternate", it's possible that more than 154 people received the April 14 letter. Only the author(s) of the April 14, 2008 letter know for certain how many recipients were addressed by the letter.

Fact: The Missouri Republican State Committee sent me a certified letter (enclosed), dated April 25, 2008.

Information: In contrast to the April 14 communication, the April 25, 2008 letter appeared to satisfy Federal Election Campaign Laws disclaimer requirements.

Information: The April 25, 2008 letter demonstrated that the Missouri Republican State Committee knew how to communicate in a manner that satisfied Federal Election Campaign Laws disclaimer requirements. In contrast, the April 14, 2008 letter demonstrated that the author(s), the committees, and the group represented by the April 14 letter failed to satisfy Federal Election Campaign Laws disclaimer requirements.

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Information: In the April 25, 2008 letter, the Treasurer of the Committee fulfilled the role of communicating disclaimer information to recipients. The April 14, 2008 letter showed an absence of the Treasurer having fulfilled this role.

Violation: By lacking disclaimer information, the April 14, 2008 letter violated Federal Election Campaign Laws. By not informing recipients about who paid for the communication and not including text that the communication was not authorized by any candidate or candidate committee, the Missouri Republican State Committee, or the "Missouri State Republican Party" (a committee), the Republican Party Second Congressional Convention (a group), Rich Magee, Chairman 2nd Congressional District (a person), the Republican Party 2nd Congressional District Credentials Committee (a committee), and the Republican Party 2nd Congressional District Treasurer (a person) violated disclaimer requirements specified in Federal Election Campaign Laws.

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Violation II:

Fact: (Enclosed), a letter signed by W. Todd Akin, dated March, 2008, is a communication that doesn't specify who paid for its preparation or postage nor does it contain federal disclosure information.

Fact: The March, 2008 Akin letter bears a seal and title "Member of Congress".

Fact: Mr. Akin is an elected federal Government official, and represents all citizens of the 2nd Congressional District of Missouri in the House.

Fact: The Akin letter begins, "Dear Delegate", and the author addresses recipients asserting his federal Government role, "As your Congressman".

Fact: The Congressman continues, "your attendance is crucial to the Republican Party in the State of Missouri".

Information: Representing all citizens of the 2nd Congressional District, and representing the federal Government, the author asserts that recipients of the letter should attend a "Republican Party" convention because it is "crucial".

Fact: Referring to the April 19, 2008, Second Congressional District Convention, the Congressman writes, "Much will be at stake that is important to all of us at this convention".

Information: Representing the federal Government, and representing all citizens of the 2nd Congressional District, the author writes that it is "important to all of us", in that "Much will be at stake". This complainant argues that the phrase "all of us" represents all of us in the federal Government in that the author addresses recipients by official federal Government role. This complainant argues that the phrase "all of us" also represents all citizens of the 2nd Congressional District in that recipients are addressed by the elected position the author uses and that position is a result of an election by a majority of citizen voters of the 2nd Congressional District. Furthermore, this complainant argues that "all of us" cannot mean all delegates to the convention because the author's letter was not delivered to all delegates to the 2nd Congressional District convention. One might argue that, within the context of the letter, "all of us" means all attendees to the convention, but by delivering the letter to only a specific, narrow, and discriminating subset of delegates - a class of delegates - this targeting of special favor negates the argument that "all of us" means all attendees to the convention.

Fact: The Congressman specifies Rich Magee, Penny Henke, Dee Wetzel, and Mike Leara as working hard and needing recipients' help.

Fact: The Congressman closes by writing to recipients, "Attendance at the Convention is very important!", offers directions, and points to Rich Magee as the contact for recipients' questions.

Fact: I received a copy of this letter in May, 2008, by email, from a contested 2nd Congressional District delegate who, in turn, received it from a contested delegate who, in turn, received it from a non-contested delegate. I didn't receive this letter (enclosed) from the Congressman.

Fact: Most, if not all, contested 2nd Congressional District delegates and alternates didn't receive the Government's letter. The Government's letter was delivered to non-Contested 2nd Congressional District delegates.

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Information: The Missouri Republican State Committee, the Missouri Republican State Credentials Committee, and other Republican party committees, segregated delegates into two groups, contested and non-contested. Subsequent delivery of the Government's March, 2008 letter to non-contested delegates defined the contested delegate group as a class of citizens, separate and not equal to the non-contested class.

Information: By noting that it "is important to all of us", the Congressman suggests that all delegates in receipt of the letter should consider receipt of the letter and attendance at the convention as being "crucial to the Republican Party".

Information: By delivering this communication to one group of delegates and not delivering it to a different group of delegates, and writing in official Government capacity, "As your Congressman", the author demonstrated federal Government establishment, support, and assertion of two U.S., Missouri, and 2nd Congressional District citizen classes.

By congratulating and encouraging one group of delegates to attend, and not congratulating and encouraging another group of delegates to attend the convention, the Congressman demonstrated bias-motivated official misconduct.

Further, the Congressman favored one group of his 2nd Congressional District constituents over another group, and by doing so, as a State actor, he demonstrated opposition to all citizens' Constitutionally-guaranteed rights of liberty and the pursuit of happiness.

By discriminating against one group of U.S. citizens, the Congressman defied the first clause of the Preamble to the Constitution, "We the People", meaning all people. Further, the Congressman defied the Equal Protection Clause of the 14th Amendment to the Constitution, and supporting 5th Amendment, "No person shall be...deprived of...liberty...without due process of law".

By discriminating against one group of U.S. citizens, acting in his official Government capacity, the Congressman violated the spirit of the 1st Amendment to the Constitution by manifesting his discouragement of freedom of assembly.

By discriminating against one group of U.S. citizens, the Congressman brought to bear upon himself U.S. Code : Title 42 : Section 1983, in which,

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...".

This complaint is one "proper proceeding for redress", but redress isn't necessarily limited solely to this complaint.

In Plessy v. Ferguson (1896), the Supreme Court's Justice Harlan argued, "[I]n view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens".

Since Brown v. Board of Education (1954), Justice Harlan's dissent in Plessy has been vindicated as a matter of legal doctrine, and the clause has been interpreted as imposing a general restraint on the Government's power to discriminate against people based on their membership in certain classes, including, but not limited to, those based on race and sex.

By delivering the letter to a classed group of non-contested delegates, the Congressman used Government power to discriminate against another group of U.S. citizens based on their belonging in a class of contested delegates; a class that contested citizens didn't join through their own free will.

By discriminating against one group of U.S. citizens, in his official Government capacity, the Congressman violated House Ethics Rules:

1. "A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives".

2. "A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof".

6. "A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. A Member shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable campaign expenditures and shall expend no funds from his campaign account not attributable to bona fide campaign or political purposes". (The Congressman is campaigning for office. The letter doesn't indicate who paid for the letter, nor does it specify whether campaign funds were or were not converted to personal use for preparation and mailing of the letter).

11. "A Member of the House of Representatives shall not authorize or otherwise allow a non-House individual, group, or organization to use the words "Congress of the United States", "House of Representatives", or "Official Business", or any combination of words thereof, on any letterhead or envelope". (The letterhead contains "Congress". A group, consisting of Rich Magee, Penny Henke, Dee Wetzel, and Mike Leara, uses the letterhead, by the Congressman's own hand requesting help for the group).

By discriminating against one group of U.S. citizens, in his official Government capacity, the Congressman violated the Code of Ethics for Government Service.

"Any person in Government service should:

1. Put loyalty to the highest moral principals and to country above loyalty to Government persons, party, or department". (Using his official role, the Congressman demonstrated loyalty to party, and only to some in the party, above country).

2. "Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion". (Discriminating against one group of citizens over another demonstrated evasion).

5. "Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be

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construed by reasonable persons as influencing the performance of his governmental duties". (Delivering a congratulatory letter, and encouraging attendance, to one class of citizens, but not another class, demonstrated unfair dispensing of special favors).

9. "Expose corruption wherever discovered". (The letter's delivery to some but not to others suggests corruption).

10. "Uphold these principles, ever conscious that public office is a public trust".

Fact: The Congressman urged a class of delegates to attend a party convention in which one candidate for federal office was promoted and supported, as evidenced by a sign-in form asking (paraphrased), "Are you willing to support the primary preferential candidate?", while more than one candidate continued to campaign nationally for the federal office.

Fact: In a St. Louis Beacon report (enclosed), Rich Magee was quoted publicly, "They came with the sole purpose of disrupting the meeting. We are a winner-take-all state. That means delegates are supposed to support the (winning) candidate (John McCain) in Missouri. They do not subscribe to that."

Fact: Mr. Magee's statement, "They do not subscribe to that", is false. Many pro-McCain, pro-Huckabee, and pro-Paul citizens in the contested delegate class, by signing the convention's sign-in form, answered the question in the affirmative, offering proof of subscription.

Information: The signed forms are available supporting evidence to the Commission. These offer demonstrable proof not only that Mr. Magee's assertion is false, but also that the Government, in the form of the Congressman's letter, chose to define and divide citizens into two classes - not based on whether citizens favored one candidate or another, but, instead, based on the fact that citizens had been segregated into two distinct groups by respondents named in this complaint and by the Missouri Republican State Committee.

Violation: The March, 2008 letter, lacking disclosure, violated federal disclosure laws. Referring to facts and information in this complaint, the author of the public communication violated the U. S. Constitution, U.S. laws, House ethics rules, and federal disclosure laws. The respondents, Rich Magee, Penny Henke, Dee Wetzell, Mike Leara, and Congressman W. Todd Akin, who by his hand asserts his official federal Government role, by select, narrow, and targeted delivery of the letter, conspired to legitimize, support, and encourage one class of citizens to enjoy Constitutional rights and privileges while attempting to deprive another class of citizens the same Constitutional rights and privileges. This complaint also raises a question about whether federal statutes and/or regulations prohibit political party officials from collusion with the federal Government to support and promote a candidate for federal office.

Violation III:

Fact: An FEC brochure, entitled "The FEC and the Federal Campaign Finance Law", reads that "Anyone who believes that a violation of the law has occurred may file a complaint with the FEC. The complaint should contain a statement of facts related to the alleged violation and any supporting evidence available".

Fact: A statement in the aforementioned April 14, 2008 communication claims, "A formal credentials contest has been filed..." A statement in the aforementioned April 25, 2008 communication claims, "the Chairman of the Missouri Republican State Committee has received a challenge to your 2008 Missouri Republican State Convention delegate/alternate status".

Information: Any reasonable person would question whether charges leveled toward him by any person or entity, especially being a U.S. citizen, and especially written assertions that charges represented to him/her by entities chartered by law, exist.

Fact: Without a copy, I can't provide evidence to the Commission that a "formal credentials contest" actually exists. Furthermore, without a copy, I can't provide evidence to the Commission that my name is included, if said contest does exist. In summary, neither the Commission nor I know whether statements in the two local and state Republican party communications are true or false. Similarly, none of the 154+ members of the public who were recipients of the two communications can provide tangible supporting evidence to the Commission.

Fact: Evidence supporting the complaint of the first violation in this document is "available", but is withheld by the respondents of this complaint.

Fact: To determine whether the statement written in the April 14, 2008 Missouri State Republican Party communication was true, and to determine whether my name was in the so-called "contest", on May 06, 2008, I requested a copy of a written contest from Rich Magee (enclosed). I received a return receipt card, postmarked May 08, 2008, where Mary Kemp signed a certified mail receipt for my request. I haven't received a copy of a written contest with my name on it in answer to my request.

Fact: To prepare for a May 05, 2008 hearing, on May 01, 2008 I asked Richard C. Peerson, by email (enclosed) to credentials@mogop.org, to provide a copy of a "contest". This request remains unanswered.

Fact: To determine whether the statement written in the April 25, 2008 Missouri Republican State Committee communication was true, and to determine whether my name was in a "challenge", on May 06, 2008, I requested a copy of a written contest from Richard C. Peerson (enclosed). This request also remains unanswered.

Information: Without supporting evidence, I conclude that neither a "formal credentials contest" nor a "challenge", as purported in the two written communications, exist. I also conclude that, if contest(s) do exist, my name isn't included. In terms of the April 14 communication, reading assertions written in an unsigned letter offers more doubt about veracity, and calls into question whether the author(s) chose to disown responsibility and accountability for the assertions. Statements in the two letters, without physical proof, remain unsubstantiated claims written in communications mailed to the public.

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Fact: Public readings of charges by political committees don't qualify as tangible proof that challenges or contests exist. Public readings can be made off of notes simply scribbled by speakers, and neither the FEC nor I, both lacking supporting evidence, would know for certain whether a "formal credentials contest" or "challenge" exists. Public speaking of something, either written or not written, at the 2nd Congressional Convention in Kirkwood and speaking of something, either written or not written, in Jefferson City varied in their content.

Violation: By ignoring requests for written supporting evidence, the Missouri Republican State Committee, the Missouri Republican State Credentials Committee, Richard C. Pearson, Rich Magee, the Republican Party 2nd Congressional District Credentials Committee, the Republican Party Second Congressional Convention, and the Republican Party 2nd Congressional District Treasurer are withholding evidence so this complainant's effort to honor the FEC's specification for supporting evidence is thwarted. I can't provide supporting evidence to the FEC about whether I'm a named contested delegate, nor can I provide supporting evidence that formal contests were filed with the Missouri Republican State Committee because the Missouri Republican State Committee won't provide contests in writing for delivery to the FEC. Moreover, my conclusions that I'm not named in contests and/or contests don't exist call into question whether those named above violated Federal Election Campaign Laws by writing false and misleading statements in public communication delivered to hundreds of registered Missouri voters.

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Violation IV:

Referring to Sec. 110.11 Communications; advertising; disclaimers (2 U.S.C 441d):

<http://www.johnmccain.com/>



conspicuous

<http://www.exploremccain.com/>



conspicuous

A recently amended Statement of Organization, dated 11/28/2007, located at <http://query.nictusa.com/cgi-bin/fecimg/? 279909#3223+0> identifies a political committee named, "JOHN MCCAIN 2008, INC". A political committee named "John McCain 2008" hasn't filed proper documentation with the FEC, nor does this political committee exist. Website disclaimers don't clearly give the reader adequate notice of the political committee that paid for the communication.

Respondent, John S. McCain, violates federal election law by not communicating to the only individuals that matter in this regard, the citizens of the United States of America, the name of the political committee clearly and accurately that pays for his websites.

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<http://my.barackobama.com/page/content/semr?source=SEM-register-google-obama-search-national>



neither clear nor conspicuous

<http://www.barackobama.com/splash/donate/donate.html>



neither clear nor conspicuous

A recently amended Statement of Organization, dated 06/16/2008, located at <http://query.nictusa.com/cgi-bin/fecimg/?28931849673+0> identifies a political committee named, "Obama for America". A political committee named "OBAMA FOR AMERICA" hasn't filed proper documentation with the FEC, nor does this political committee exist. Website disclaimers don't clearly give the reader adequate notice of the political committee that paid for the communication. Also, the disclaimers are difficult to read.

Respondent, Barack Obama, violates federal election law by not communicating clearly and accurately to the only individuals that matter in this regard, the citizens of the United States of America, the name of the political committee that pays for the websites.

Respondent, Barack Obama, violates federal election law by communicating to the only individuals that matter in this regard, the citizens of the United States of America, with unclear and inconspicuous disclaimers on his websites.

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<http://www.toddakinforcongress.com/>

neither clear nor conspicuous

An amended Statement of Organization, dated 03/24/2005, located at <http://query.nictusa.com/cgi-bin/fecimg/? 25990295131+0> identifies a political committee named, "TODD AKIN FOR CONGRESS". A political committee named "Todd Akin for Congress" hasn't filed proper documentation with the FEC, nor does this political committee exist. The website disclaimer doesn't clearly give the reader adequate notice of the political committee that paid for the communication. Also, the disclaimer is difficult to read.

Respondent, William Todd Akin, violates federal election law by not communicating clearly and accurately to the only individuals that matter in this regard, the citizens of the United States of America, the name of the political committee that pays for the website.

Respondent, William Todd Akin, violates federal election law by communicating to the only individuals that matter in this regard, the citizens of the United States of America, with unclear and inconspicuous disclaimers on his website.

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<http://www.ronpaul2008.com/>

Paid for by the Ron Paul 2008 Presidential Campaign Committee

clear and conspicuous

A recently amended Statement of Organization, dated 05/13/2008, located at <http://query.nictusa.com/cgi-bin/fecimg/? 28931528922+0> identifies a political committee named, "Ron Paul 2008 Presidential Campaign Committee".

Ron Paul's disclaimer is clear, conspicuous, communicates to the only individuals that matter in this regard, the citizens of the United States of America, the name of the political committee accurately. Ron Paul isn't a respondent in this complaint.

<http://www.votenader.org/>



clear and conspicuous

A recently amended Statement of Organization, dated 03/28/2008, located at <http://query.nictusa.com/cgi-bin/fecimg/? 28931001796+0> identifies a political committee named, "Nader for President 2008".

Ralph Nader's disclaimer is clear, conspicuous, communicates to the only individuals that matter in this regard, the citizens of the United States of America, the name of the political committee accurately. Ralph Nader isn't a respondent in this complaint.

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<http://www.tomknappforcongress.com/>

conspicuous

The FEC lacks a Statement of Organization for a political committee named "Thomas L. Knapp for Congress".

Respondent, Thomas L. Knapp, violates federal election law.

<http://www.delearforcongress.org/>



clear and conspicuous

A Statement of Organization, dated 02/19/2008, located at <http://query.nictusa.com/cgi-bin/fecimg/? 28039640149+0> identifies a political committee named, "Citizens to Elect Byron DeLear for Congress 2008".

Byron DeLear's disclaimer is clear, conspicuous, communicates to the only individuals that matter in this regard, the citizens of the United States of America, the name of the political committee accurately, and is not a respondent in this complaint.

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Violation V:

Fact: An FEC brochure, entitled "The FEC and the Federal Campaign Finance Law", reads that "while state and local party committees may spend unlimited amounts on certain grassroots activities specified in the law without affecting their other contribution and expenditure limits..., they must use only federal funds or "Levin funds" when they finance certain "Federal election activity".

Fact: (9) (A) The term "expenditure" includes--

(i) any ... payment ... made by any person for the purpose of influencing any election for Federal office;

Fact: (20) Federal election activity.--

(A) In general.-- The term "Federal election activity" means--

(iii) a public communication that refers to a clearly identified candidate for Federal office... and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate)".

Fact: The Missouri primary preferential candidate for Republican nomination to run for the office of President of the United States as early as February, 2008 was John McCain.

Fact: On April 19, 2008, in Kirkwood High School, a sign-in form was presented by the 2nd Congressional District Republican Credentials Committee and the 2nd Congressional District Republican Convention. In writing, it asked (paraphrased), "Will you support the preferential primary candidate"? This sign-in form was a public communication in that 2nd Congressional District delegates were given it to read and sign, and press reporters or any member of the public could read it as it was widely available and readily displayed on sign-in tables. The sign-in form clearly promoted and supported one candidate for federal office.

Fact: The 2nd Congressional District Republican Credentials Committee and the 2nd Congressional District Republican Convention incurred an expense in producing the sign-in form. Neither federal funds nor Levin funds were used to produce the sign-in form. Nor were federal funds nor Levin funds used to rent the high school in which the sign-in form was publicly available.

Violation: The 2nd Congressional District Republican Credentials Committee and the 2nd Congressional District Republican Convention evidenced federal election activity by posing a question of support, via public communication sign-in form, for one already clearly identified candidate for federal office.

The 2nd Congressional District Republican Credentials Committee and the 2nd Congressional District Republican Convention didn't use federal funds or Levin funds to finance the costs incurred in either preparing the form nor housing the form in a rented facility. By asking the aforementioned question of 154+ people in writing, the Committee and the Convention demonstrated a "purpose of influencing an election for Federal office".

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Violation VI:

Information: Referring to the same FEC brochure, entitled "The FEC and the Federal Campaign Finance Law", noted in the previous violation.

Fact: The Missouri primary preferential candidate for Republican nomination to run for the office of President of the United States as early as February, 2008 was John McCain.

Fact: On May 05, 2008, on a Jefferson City credentials hearing sign-in form, the Missouri Republican State Credentials Committee in writing asked (paraphrased), "Will you support the preferential primary candidate"? This sign-in form was a public communication inasmuch as all hearing invitees were given it to read and sign. Representing the public, press reporters in attendance were capable of reading the same question on the form.

Fact: The Missouri Republican State Credentials Committee incurred expense to produce the form that clearly promoted and supported one candidate for federal office. It also incurred expense to rent the Jefferson City Armory in which the form was housed, and additional expense to pay party employees to present the form to hearing attendees.

Fact: The April 25, 2008 letter inviting hundreds of Missouri citizens to attend the May 05, 2008 hearing involved an expense incurred by the Missouri Republican State Committee.

Fact: On May 05, 2008, in a Jefferson City credentials hearing, the Missouri Republican State Credentials Committee verbally asked (paraphrased), "Will you support the preferential primary candidate"?

Fact: As of the date of this writing, the Saint Charles, Missouri County Republican Central Committee continues to support two (2) Presidential Candidates, not one primary preferential candidate. At this location, <http://www.stcharlesgop.com/electedofficials.php>, Mike Huckabee and John McCain are listed as Presidential Candidates. By listing these two candidates, the Saint Charles, Missouri County Republican Central Committee supports both. A screenshot of this web page is found in this document's appendix.

Fact: I'm a delegate to the 2nd Congressional District Republican convention and the Missouri Republican State Convention, representing Saint Charles County, Missouri, the same county in which the Saint Charles, Missouri County Republican Central Committee clearly demonstrates support for not one, but two (2) federal candidates.

Information: The April 25 letter combined with a question asked repeatedly at the hearing showed intent with a "purpose of influencing an election for Federal office".

Violation: The Missouri Republican Credentials Committee evidenced federal election activity by inviting me to a hearing via the April 25 letter. Although it didn't "expressly advocate a vote for or against a candidate", the Committee validated its intent in the April 25 communication by asking by both written form and verbally at the hearing whether I'd support the primary preferential candidate for the nomination to run for President of the United States. Furthermore, the hearing Committee validated its intent by "promoting or supporting a candidate for federal office".

The Missouri Republican State Committee didn't use federal funds, nor did it use Leven funds, to finance the costs incurred in either preparing for (e.g., mailed communication and sign-in forms) nor conducting of the Jefferson City hearing in which it demonstrated clear intent to promote or support one (1) candidate for the office of President of the United States. By inviting and asking the aforementioned question repeatedly, the hearing Committee demonstrated its "purpose of influencing an election for Federal office" via public communication.

Robert Hillman

Complainant: Robert Hillman
Saint Charles, MO 63301

State of Missouri
County of St. Charles

Signed and sworn to before me this 1st day of June in the year 2008.

Rebecca F. Fries
Notary Public

REBECCA F. FRIES
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County Comm. # 0548110
My commission expires April 10, 2009

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Respondents:

Missouri Republican State Committee
2008 Missouri Republican State Convention Credentials Committee
Richard C. Pearson, Treasurer, Missouri Republican State Committee
W. Todd Akin, Congressman, Missouri 2nd Congressional District
Penny Henke, Thomas L. Knapp, Mike Leara, Rich Magee, John S. McCain, Barack Obama, Dee Wetzel
Republican Party 2nd Congressional District Credentials Committee
Republican Party Second Congressional Convention
Republican Party 2nd Congressional District Treasurer

Documentation:

April 14, 2008 letter
April 25, 2008 Missouri State Republican Committee letter
March, 2008 Todd Akin letter
St. Louis Beacon report
Federal office candidates' websites, accompanied by FEC
Statements of Information
April 19, 2008 STLtoday.com reporter Jo Mannies blog
May 01, 2008 email to Richard C. Pearson requesting a copy of
the challenge
May 06, 2008 letter to Rich Magee requesting a copy of the
contest
May 06, 2008 letter to Richard C. Pearson requesting a copy of
the challenge
May 08, 2008 delivery receipt, signed by Mary Kemp,
representing Rich Magee

References:

[Code of Federal Regulations]
[Title 11, Volume 1]
[Revised as of January 1, 2007]
From the U.S. Government Printing Office via GPO Access
[CITE: 11CFR110.11]

FEC brochure

<http://www.fec.gov/pages/brochures/fecfeca.shtml>

TITLE 2 > CHAPTER 14 > SUBCHAPTER I > § 431Prev | Next § 431. Definitions

<http://www.fec.gov/law/feca/feca.pdf>

<http://www.fec.gov/pages/brochures/fecfeca.shtml>

Appendix:

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[illegible]

CONFIDENTIAL

Call Now: 1-800-451-1000

Judges of the Coastal Court

Harold L. Schmidt
Circuit Judge - District 1

Walter H. Smith
Circuit Judge - District 1

Rich H. Ross
Circuit Judge - District 4

James C. Thompson
Circuit Judge - Dist. no. 5

Walter A. Condit
District Judge - Eastern 2

Donald E. Palmer
1st of Judge - District 1

William H. Hunter
Assistant Circuit Judge - District no. 5

Bruce H. Wilson
Assistant 1st of Judge - Eastern 10

Philip A. Wilson
Assistant 1st of Judge - District 11

William R. H. Marshall
Assistant Circuit Judge - District 12

Purchasing Cardholder
John H. Lee
jlee@mcgraw-hill.com

Site Manager
www.mcgraw-hill.com

Closeup of web page as of May 28, 2008:

Presidential Candidates

John McCain

www.johnmccain.com

Mike Huckabee

www.mikehuckabee.com



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TODD AKIN
MEMBER OF CONGRESS



March 2008

Dear Delegate,

Congratulations on being selected to serve as a Delegate to the Second Congressional District Convention, which is scheduled to take place on April 19, 2008 at 10 a.m. at Kirkwood High School, 801 W. Essex Avenue, Kirkwood Mo 63122. The Convention will take place in the school cafeteria.

As your Congressman, I am writing to you to let you know that your attendance is crucial to the Republican Party in the State of Missouri. You have become a part of this process because you believe in what the Republican Party stands for, including the benefits of smaller government and lower taxes.

Much will be at stake that is important to all of us at this convention. The Second Congressional District Committee (Rich Magee, Chairman, Penny Hruby, Vice-Chairman, Doc Wotzel, Secretary and Mike Leare, Treasurer) is working hard to protect Republican values, but they need your help! Attendance at the Convention is very important!

Directions to the Second Congressional District Convention are enclosed. If you have any questions about this District Convention, please feel free to call Chairman Rich Magee at (314) 821-6802.

Very truly yours,

Todd Akin

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1. **Christ Community Lutheran Schi**
110 W Woodbine Ave
Kirkwood, MO
314-822-7774

2. **Nipher Middle School**
700 S Kirkwood Rd
Kirkwood, MO
314-213-6180

3. **North Middle School**
11287 Manchester Rd
Kirkwood, MO
314-213-6170

4. **Vianney High School**
1311 S Kirkwood Rd
Kirkwood, MO
314-885-4853

5. **Kirkwood High School**
801 W Essex Ave
Kirkwood, MO
314-213-6110

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http://www.stlbeacon.org/issues_politics/elections/republicans_reject_paul_challenge_in_2nd_district

Republicans reject Paul challenge in 2nd district  

Last Updated (Friday, 23 May 2008)

Delegates who support presidential contender Ron Paul were rebuffed Saturday when they tried to participate in the GOP's 2nd Congressional District Convention at Kirkwood High School. The action was the most dramatic event to emerge as Republicans across Missouri held conventions in the state's nine congressional districts to elect three national convention delegates each and three alternates. Paul's forces won all three delegates in the 5th Congressional District in Kansas City and one in the 8th district in Southeast Missouri.

After being ignored or ruled out of order whenever one of their members used parliamentary rules to raise questions about the fairness of the Kirkwood meeting, the pro-Paul delegates eventually left the room, held their own convention in a hallway and vowed to challenge the outcome of Saturday's proceedings.

Their challenge will be taken to the state convention in Branson. If that fails, Paul's supporters say they will take the issue to the Republican National Convention. They said the challenge would point to violations of party rules and would seek to have the three delegates selected at their hallway meeting approved as the district's delegates.

Chosen as delegates at the official meeting were Rich Magee, a lawyer and mayor of Glendale; Charlotte Fink, a health care administrator; and Mike Dudley, a business executive.

'They wanted to exclude us'



Photo by Robert Joiner

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Phillip G. Gonzalez tries to make a point.

At the beginning of Saturday's meeting, pro-Paul delegate Phillip G. Gonzalez rose to challenge the proceedings and the right of Magee to chair the meeting. Gonzalez was immediately ruled out of order, and he later said convention rules required district delegates to elect the chair.

"They wanted to exclude us," Gonzalez said.

Also criticizing the proceedings were Brent Stafford, who chaired the St. Charles County caucus; and Debbie Hopper, national field director for Paul.

"They violated their own rules," Hopper said. "They shut us out. It was a sad day for the Republican Party. We are going to challenge what happened here."



Magee (left) criticized the pro-Paul faction, saying, "They came with the sole purpose of disrupting the meeting. We are a winner-take-all state. That means delegates are supposed to support the (winning) candidate (John McCain) in Missouri. They do not subscribe to that."

Rather than discuss Saturday's proceedings, Fink chose instead to talk about the joy of being a national convention delegate for the first time. She said she could live with the idea of supporting McCain, even though "he's not as conservative as I'd like. But he's in support of letting the troops finish the job" in Iraq.

The war in Iraq is one major area of disagreement between McCain and Paul delegates. The latter do not think U.S. troops should be in Iraq.

U.S. Rep. Todd Akin, R-Town and Country, didn't seem anxious to enter the fray. After the official vote, he said, "If I were one of Ron Paul's people, I'd probably be frustrated too." He says whatever the pro-Paul faction does "won't change anything."

He added that he wasn't surprised by the fuss because of the diversity of political views in the district.

Tina Hervey, speaking for the Missouri Republican Party, took issue with claims that Magee broke party rules.

"Today was a great day for the Missouri Republican Party," she said. "Everything went smoothly. All delegates have been selected, and the process worked. All the rules were followed and Mr. Magee did not illegally chair the meeting." Hervey apparently is "suffering from Dorothy in Oz syndrome," Hopper said. "Apparently she thinks if she repeats 'all the rules were followed' enough times while clicking her heels together, it will make it so."

April 14, 2008

Dear Delegate/Alternate,

A formal credentials contest has been filed with the Missouri State Republican Party to your being seated as a delegate or alternate at the Republican Second Congressional Convention, Saturday, April 19, 2008. This contest will be reviewed by the Republican Second Congressional Credentials Committee and resolved in accordance with the Rules of the Second Congressional District Convention. Until a final decision is made, which will be announced at the Second Congressional District Convention, you will not be seated as a delegate or alternate.

**Rich Magee, Chairman
2nd Congressional District**



**MISSOURI REPUBLICAN STATE COMMITTEE
RONALD REAGAN REPUBLICAN CENTER**

April 25, 2008

Robert Hillman

St. Charles, MO 63301

RE: 2008 Missouri Republican State Convention Delegate/Alternate Challenge

Dear Robert:

This letter serves to inform you that the Chairman of the Missouri Republican State Committee has received a challenge to your 2008 Missouri Republican State Convention delegate/alternate status.

You will have an opportunity to have an audience with the 2008 Missouri Republican State Convention Credentials Committee to dispute the charges of the challenge. The MRSC Credentials Committee will meet on Monday, May 5th, at 10:00 am at the Army National Guard (Blue Armory), 801 Armory Drive, Jefferson City, MO 65109. Please call (573)-636-3146 or email credentials@mogop.org to RSVP. There are a large number of challenges so we cannot provide you the exact time your challenge will be heard but we will try to move expeditiously. No challenged delegate or alternate will have more than five minutes to argue their case.

In accordance with the 2008 Call to Convention, the Credentials Committee will prepare for the State Convention a temporary roll of delegates and alternates, and recommend action on any challenges submitted in proper form. This Credentials Committee will have full authority before that convention unless countermanded by a vote of the Missouri Republican State Committee.

Respectfully,

A handwritten signature in black ink that reads "Richard C. Pearson". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Richard C. Pearson
Chairman, MRSC Credentials Committee**

**P O Box 73, 204 East Dunklin / Jefferson City, MO 65102 / (573) 636-3146 / www.mogop.org
Paid for by the Missouri Republican State Committee - Richard C. Pearson, Treasurer
This communication is not authorized by any candidate or candidate committee.**

Date: Thu, 1 May 2008 16:29:57 -0700 (PDT)
From: "Rob Hillman"
Subject: RE: Delegate/Alternate Challenge
To: credentials@mogop.org

Dear Mr. Pearson:

I received your certified letter about my credentials to the 2008 Missouri Republican State Convention being challenged.

In order to prepare a response to this challenge in advance of the hearing, I require the following information: a copy of the official challenge that was filed in accordance with the 2008 Call to Convention, including the name of the person who filed the challenge, grounds for the challenge, evidence the challenge was filed in a timely fashion, and any supporting evidence or testimony provided by the challenger.

I realize next-day mail delivery is expensive. Please feel free to reply to this email with the necessary documents.

Thank you in advance for your assistance.

Sincerely,

Robert Hillman
St. Charles, MO 63301

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04.19.2008 5:52 pm

Aldn: Briefly disenfranchised at 2nd District convention

By: Jo Mannies

U.S. Rep. Todd Aldn, R-Town and Country, found himself on the wrong side of the tables Saturday when he showed up to participate in his 2nd District's Republican convention.

For the morning event, the Kirowood High School cafeteria had been divided into three sections. Approved convention delegates to the left; contested delegates in the middle; the general public and the press to the right.

Cafeteria tables served as the dividers.

Most of the roughly 150 contested delegates were known or suspected supporters of renegade Republican presidential candidate Ron Paul, a congressman from Texas.

Aldn was among a handful of recognized party regulars also snagged. He and former state Sen. Franc Flotrom said they were told that their status was being challenged by the Paul forces. Both were part of a bloc of nine convention delegates from a local caucus held last month in Maryland Heights.

Aldn was allowed to cross the table/divide to lead the room in the Pledge of Allegiance at the beginning of the convention. A few minutes later, convention credentials committee chairman Tom Kuypers of St. Charles delivered a report laying out the particulars of 154 contested delegates.

Aldn and Flotrom were nine who were OKed. They could now sit on the "approved" side of the tables.

The other 145 could not. They included the entire delegation from St. Charles County, those from Queeny Township, and nine other delegates from various townships. All were largely suspected of being Ron Paul supporters.

Kuypers said that some weren't even registered to vote.

I'll have more detail on the Paul-Mo GOP fight in tomorrow's Post-Dispatch.

Article printed from Political Fix: <http://www.stltoday.com/blogzone/political-fix>

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May 6, 2008

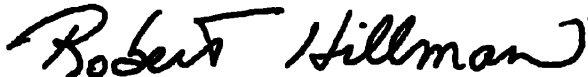
Mr. Rich Magee
7777 Bonhomme Ave.
Suite 2004
Clayton, MO 63105

RE: 2008 Credentials Contest

Dear Mr. Magee:

Please send me a copy of the charges of the contest referred to in your letter, dated April 14, 2008, (copy enclosed) to my address below, within three (3) business days after your having received this letter. Please include in your response the name(s) of contesters(s) referenced in your same letter. Please include in your response a copy of the 2008 Republican Second Congressional Credentials Committee report that was read aloud at the April 19, 2008 Republican Second Congressional Convention.

Respectfully,



Robert Hillman

Saint Charles, MO 63301

29044230535

May 6, 2008

Mr. Richard C. Pearson
204 East Dunklin St.
Jefferson City, MO 65101

RE: 2008 Missouri Republican State Convention Delegate/Alternate Challenge

Dear Mr. Pearson:

Thank you for taking the time to meet with me on May 5, 2008.

Please send me a copy of the charges of the challenge referenced in your letter, dated April 25, 2008, (copy enclosed) to my address below, within three (3) business days after your having received this letter. Please include in your response the name(s) of challenger(s) referenced in your same letter.

Respectfully,

Robert Hillman

Robert Hillman

Saint Charles, MO 63301

29044230536

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